



“Moldova needs to have an anti-corruption strategy at all levels, particularly for corrupt judges and government-financed employees”,

William Moser,
US Ambassador
to Moldova

THE REFORM IN A NUTSHELL

Judges will be evaluated every three years

Some amendments were made to the Law No. 544-XIII of July 20, 1995 on the Status of Judges by the Law No. 153 of 05.07.2012. One of the new provisions stipulates that serving judges will be subjected to an evaluation of their performance every three years. According to the law, judges shall be subject to evaluations in other cases as well, for instance, when appointed to the position of judge before reaching the age ceiling; when promoted to a higher court; when appointed to the position of court president or deputy-president or transferred to a court of the same or lower level. Also, judges may be subject to performance evaluation if the decisions passed by them call into question their qualification level. At the same time, seconded judges, judges working at international courts, as well as judges who are on maternity leave or on child care leave are not subjected to performance evaluations. Judges are evaluated by the College for Performance Evaluation of Judges based on Law No. 154 of July 5, 2012 on the Selection, Performance Evaluation and Career of Judges and the Regulation of the Superior Council of Magistracy.

USA has provided over

8 million USD

for the judiciary reform in Moldova. This money was designed, among others, for procurement of the “Femida” audio recording equipment for the courts of Moldova, and for the training of judges and prosecutors, court clerks and judicial assistants.

More Transparency in Courts

“Any person has the right to request and to get information regarding the activity of courts or regarding specific cases” – this provision came into force in August 2012, following the amendment of Law No. 514-XIII of July 6, 1995 on the Organization of the Judiciary. Therefore, in each of the courts, an employee of the secretariat was put in charge of public relations. The information must be provided in the form requested (telephone, fax, ordinary mail, email, as well as other forms), observing the rules on personal data protection and the confidentiality of the trial.

New Employees at Courts

Since September 1, 2012, new staff positions – head of secretariat and judicial assistant – have been established for the district courts and the courts of appeal in the municipality of Chisinau. Since January 1st, such position also appeared in the courts outside Chisinau.

According to the amendments made in July 2012 to Article 47 of Law No. 514-XIII of July 6, 1995 on Organization of the Judiciary, every judge has to be assisted in their activity by a judicial assistant, while the judges of the Supreme Court of Justice must have three assistants each. According to art. 21 of the same law, there are 504 judge positions in total for all the courts, including 33 judge positions at the Supreme Court of Justice, which means that a total number of 570 judicial assistants had to be employed in all the courts in Moldova, including 99 judicial assistants at the Supreme Court of Justice.

Vasile Gutu, in charge of the media relations within the Superior Council of Magistracy (SCM), said SCM does not know the total number of judicial assistants working in the courts throughout Moldova currently. “The employment process is still ongoing and

will take some more time, because both the courts and SCM have to get the staff units approved by the State Chancellery and then by the Ministry of Finance...”, Vasile Gutu explained. At the same time, he mentioned that the 51 courts in the country have already hired a head of the Court Secretariat, and the court budgets for 2013 have been increased compared to the previous year, among others, due to new staff positions introduced.

What are the job duties of the new staff?

According to art. 45 (3) of the Law on Organization of the Judiciary, the head of the court secretariat has the following duties: organize the staff activity related to the timely preparation and display of the procedural rules,

the information about the cases pending trial and the subject thereof; organize the activity of the staff responsible for the random case assignment to judges; manage the funds allotted to the court; coordinate and check the activity of the secretariat subdivisions; ensure the efficient administration and use of the financial, material, intellectual and informational resources in the implementation of the strategic activity plans within the court; organize and coordinate the preparation and implementation of the strategic activity plans for the court; approve the Regulation on the Organization and Operation of the Court Secretariat, following coordination with the court president; exercise other duties assigned by law or delegated by the court president.

Article 47 of the said law states that the judicial assistant shall: collect the normative documents necessary for the judge, as well as other information needed for the trial of the assigned case; generalize the legal issues relating to the cases assigned to the respective judge and develop recommendations related to the interpretation and enforcement of the law; verify the availability of documents that had to be submitted by the trial participants; develop draft procedural documents as asked by the judge; ensures that decisions are published on the court’s website after personal data have been removed; participate in working groups and commissions, within the limits of their competences, and perform other tasks related to justice delivery, as assigned by the judge.

BUDGET ALLOCATIONS TO THE COURTS IN 2013

For 2013, the 51 courts in Moldova received 205,777,5 thousand MDL from the state budget. Over half of this amount was designed for salary payments. The amounts will be distributed as follows:

67.675,1 thousand MDL	25.826 thousand MDL	112.276, 4 thousand MDL
to the 7 courts in Chisinau (in Botanica, Centru, Rascani, Ciocana, and Buiucani sectors; the Commercial District Court, and the Chisinau Court of Appeal)	to the 4 courts of appeal (of Balti, Bender, Cahul, and Comrat)	to the 40 district courts in the regions of the country

Nichifor Corochii, acting Chair of the Superior Council of Magistracy (SCM):

“I hope in five years we will have as many honest, moral and objective judges as possible”

— Mr. Corochii, what are the most serious challenges faced by the Moldovan judiciary?

— There are a number of challenges; however, one of the most topical is the low confidence of the public and the society as a whole in the judicial system.

— Why does the society not trust the system?

— I will be critical to myself and to my colleagues by saying that, in trials, a lot of things depend on my judge colleagues, on their attitude to the participants in the trial and their professionalism.

— What are the reforms planned for the judiciary by 2016?

— Currently, our objective is to select for the judge positions the best professionals out of the best. Unfortunately, there are cases when judges do not meet the legal requirements or the provisions of the Code of Ethics.

— How many disciplinary procedures were applied during 2012 and during the first month of the current year?

— Last year, 52 disciplinary procedures were applied, most of them for the violation of discipli-



nary and ethical rules. In January 2013, eight disciplinary procedures were examined in a single hearing.

— According to a recent decision of SCM, the president of the Chisinau Court of Appeal, Ion Plesca, has not been sanctioned for having participated in the hunt at Padurea Domneasca

together with other judges and prosecutors. Weren't the ethical norms and the Law on the Status of Judges violated in this case?

— We are all living humans and we should not rely on the theory of absurdity, because this is not right. Mr. Plesca has attended a regrettable hunt. If he was there as a visitor or as an or-

inary citizen to admire the nature, would he have violated the Code of ethics? I think no. If Mr. Plesca attended a football match and next to him were sitting an offender, a lawyer or a prosecutor, how should Mr. Plesca behave? Should he leave that match?

— Do you mean the president of the Chisinau Court of Appeal did not know who his hunting mates would be?

— No, he didn't. I guess so...

— How do you see the judicial system of Moldova in five years?

— I think it would be a good judicial system from all points of view. I am fully confident that in five years, judges working in the system will be highly professional and have sound organizational skills. I would like them to be honest, principled and objective judges whom citizens would kindly greet and be respectful to.

An interview by: Lilia Zaharia

The full interview with Nichifor Corochii is available in print and audio version on API's website, in the section Judiciary Reform (<http://www.api.md/justice/index.html>)